

**MINUTES**  
**REGULAR MEETING**  
**MINERAL WELLS CITY COUNCIL**  
**CITY HALL ANNEX**  
**November 15, 2016 - 6:00 pm**

City Councilmembers present were Mayor Pro-Tem John Upham, Councilmembers Clif Wright, Brian Reagan, and Wayne Johnson. Mayor Mike Allen and Councilmember Tammy Underwood were absent. There is one vacancy on the Council. A quorum of City Councilmembers was present. Also present was new City Council appointee to represent Ward 1, Jerrel Tomlin.

Staff members present were City Manager Lance Howerton, Police Chief Dean Sullivan, Finance Director John Moran, Public Works Director Kelly Jones, Fire Chief Mike Pool, City Clerk Juanita Formby, and City Attorney George Gault.

Mayor Allen called the meeting to order, Councilman Brian Reagan of North Oak Church of Christ of Mineral Wells gave the invocation, and the Pledges of Allegiance to the U.S. and Texas were recited.

1. The City Clerk administered the Oath of Office to new appointee Jerrel Tomlin, and he took his place on the City Council.

**CITIZEN COMMENT**

2. Mr. Emmanuel Arellano was present, and had asked to be placed on the agenda to speak with the Council about several clearance liens which had been placed on a piece of property he owns (Lot 1, Block 3A, Kidwell Addition to the City of Mineral Wells, Palo Pinto County, Texas). The liens were dated 2004, 2005, 2006, 2008, and 2015; and all were less than \$200, except one which was \$2,400. Mr. Arellano said he is currently trying to sell the property, and the liens are more than he can sell it for. He said he purchased the property in 2011, did not do a title search, and was unaware that the liens were there. He asked the Council to consider waiving or forgiving the liens. There was discussion among Council and staff regarding a property owner's responsibility to maintain his property and to know if the City does work thereon that might result in a lien. Mr. Howerton explained that unpaid liens are typically collected when the property is offered for sale and a title search is performed, that is how the liens are made known. Councilman Wright said that it was taxpayers' money that was spent to maintain the property when the owner failed to do so, and he felt it was the property-owner's responsibility to pay for that maintenance, not the citizenry at large, and therefore did not favor forgiving the liens. Councilman Reagan saw the value of transferring the property to ownership that would maintain it and pay taxes on it, making it viable once more, when up to now it has been a liability to the City. He asked Mr. Arellano how much he was

asking to be forgiven, and Mr. Arellano said he would appreciate 50%. Following some discussion, Mr. Reagan moved to grant a waiver of half of the larger \$2400 lien, still making Mr. Arellano responsible for the other half (\$1200), as well as the total amount of the several smaller ones. Mr. Johnson seconded the motion, Mr. Wright and Mr. Upham voted nay, and the motion carried 3-2.

Mr. Reagan moved and Mr. Wright seconded to approve the following **CONSENT AGENDA**, and the motion carried 5-0:

3. Consider minutes of previous meetings held November 1, 2016.
4. Consider approval of budgeted expenditures over \$500.
5. Consider a resolution ratifying execution of Spring Hill Addition deeds.
6. Consider approval of Financial Report for the month ended August 2016.
7. Consider approval of Investment Report for the quarter ended September 2016.
8. Consider resolution to accept the issuance of carbon monoxide detectors from North Central Texas Trauma Regional Advisory Council (NCTTRAC) through the Texas Department of State Health Services Local Projects grant.
9. Consider authorizing Corrosion Eliminator's Application for Payment in the amount of \$37,658.72.
10. Consider authorizing Crawford Roofing's Application for Payment in the amount of \$6,071.79.
11. Consider lease assignment of City owned property in Block 72, Wiggins Addition to the City of Mineral Wells, Palo Pinto County from NSC Properties, LP to Trina Lanza.

#### **ITEMS FOR INDIVIDUAL CONSIDERATION**

12. Sergeant Neal Davis and Chief Sullivan of the Mineral Wells Police Department, along with Mayor Pro-Tem John Upham, presented certificates to the graduates of the 2016 Citizens Police Academy.

13. Mr. Howerton said that, pursuant to Council direction, staff had advertised and received bids for the demolition of several condemned structures. Six bids were received and opened on November 8, 2016, and were carefully analyzed by staff. Mr. Howerton now recommends that the low bid submitted by Matrix Demolition, in the amount of \$28,250 for the removal of all eight subject structures, be accepted. There was some discussion because the low bid was significantly lower than the other bids. Mr. Howerton assured the Council that the bidder had been carefully vetted, came with good recommendations, and was well aware of the City's specifications and was capable of doing the work. With that, Mr. Reagan moved and Mr. Johnson seconded to award the bid for the removal of eight condemned structures to Matrix Demolition of Aledo, Texas in the amount of \$28,250.00, and the motion carried 5-0. The locations of the subject structures are as follows: 209 S.W. 15<sup>th</sup> Street, 2401 S.E. 9<sup>th</sup> Avenue, 1903 S.E. 12<sup>th</sup> Street, 915 S.W. 25<sup>th</sup> Street, 1008 N. Oak, 2216 S. Oak, 1121 W. Hubbard, and 601 S.E. 13<sup>th</sup> Avenue #3.
14. Chief Sullivan said that the City Council had previously adopted two ordinances establishing temporary rules on a portion of MH 379 while it was under construction. The temporary provisions included lower speed limits and directional traffic requirements. The project is now complete, and the temporary provisions may be removed. With that he introduced an ordinance which would repeal and replace the two previous subject ordinances. Mr. Reagan moved and Mr. Wright seconded to pass and approve an ordinance repealing Ordinance No 2015-02 and Ordinance No. 2016-11 both pertaining to temporary rules of the road on a portion of MH 379; restoring to full force and effect all provisions contained in the Code of Ordinances of the City of Mineral Wells and the Texas Transportation Code applicable to traffic on MH 379 which were in effect immediately prior to February 17, 2015; and providing for an effective date. Motion carried 5-0.
15. Mr. Moran reminded the Council that the solid waste collection contract the City currently has with Progressive Waste Solutions will expire November 30, 2016. Council had previously instructed staff to negotiate a new contract with Progressive Waste Solutions utilizing the same pricing structure that is currently in place. Mr. Moran said that, due to the complexity of the contract and the pending change in city attorneys, staff would request that more time be granted for the negotiations. He presented an interim, temporary Agreement extending the current waste disposal contract with Progressive Waste Solutions to March 1, 2017. Mr. Reagan moved and Mr. Johnson seconded to adopt a resolution authorizing

execution of the subject interim agreement to be approved, and the motion carried 5-0.

16. Mr. Moran said that the City hopes to secure a grant through the Federal Emergency Management Agency (FEMA) through a Hazard Mitigation Grant solicitation that is due on January 20, 2017. This federal grant was initiated by a Presidential Disaster Declaration relative to the storms of May 26, 2016, which Mineral Wells was a part. Only those entities that have an approved Hazard Mitigation Action Plan are eligible to apply; therefore, Mineral Wells previously participated in and adopted the Palo Pinto County Mitigation Action Plan that was coordinated through the North Central Council of Governments (NCTCOG). The total amount of money currently available for this grant is \$12.5 million.

This Hazard Mitigation Grant is a 75% federally funded grant that also requires a 25% local match. The hoped-for grant monies will be used to fund the acquisition of warning sirens and drainage projects. Our City's warning siren system is obsolete and in need of replacement. Replacement parts are very difficult to obtain, and we believe that this situation will worsen as time progresses. Moreover, we need to add at least two (2) additional sirens to adequately cover the city. The anticipated costs for this work is \$400,000 to \$500,000. Assuming that FEMA funds the project at 75%, the matching requirement from the city would range from \$100,000 to \$125,000, which would need to be budgeted in the next budget year, and could affect the tax rate for 2017. Mr. Moran asked the Council to consider appointing Mayor Allen as the Chief Executive Officer and Authorizing Representative to act in all matters in connection with the Hazard Mitigation Warning Siren Application, and further to commit the City to the 25% local matching funds in order to secure and complete the Hazard Mitigation Grant. In response to questions from the Council, Mr. Howerton said that Palo Pinto County participated in the installation of the sirens currently in use (50%). In response to a question about the City's commitment to the required match, Mr. Howerton said that if the City applies for the grant and is a selected recipient, the City is still not contractually obligated to accept the money, but it would be an unwise practice not to, and may negatively affect the City's rating for future grants. Following the discussion, Mr. Wright moved and Mr. Reagan seconded to appoint Mayor Allen as the Chief Executive Officer and Authorizing Representative to act in all matters of the Hazard Mitigation Warning Siren application, and commitment of the City to 25% local matching funds to secure and complete the Hazard Mitigation grant. Motion carried 5-0.

17. Relative to the FEMA grant application discussed in the previous item, Mr. Moran said that the application process is a complex and time-consuming issue, and it is advisable to retain the services of a professional grant writer to assist; and the anticipated costs of these services would be \$3,500 to \$4,000. A procurement process is necessary to retain such services, which would include the appointment of a Selection Review Committee. The Selection Review Committee should have at least one elected official and may include other elected officials, employees of the City, or officers of other public utilities. Pursuant to staff recommendation, Mr. Reagan moved and Mr. Tomlin to authorize the procurement of a grant consultant to develop the initial application and submission of a Hazard Mitigation Grant for a Warning Siren system, and subsequent administration of the grant, if funded. The motion also included authorizing Mayor Allen to appoint a Selection Review Committee. Motion carried 5-0.

18. There was no further business, and the meeting was adjourned at 6:49 pm.

/s/ Mike Allen, Mayor

ATTEST:

/s/ Juanita Formby, City Clerk

APPROVED: 12-06-2016